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SUBJECT: Council of States Finding Its Way

¶1. SUMMARY: The Government of National Unity's (GNU) newly formed Council of States (CoS) is still working to

find its role in government. The CPA and the Interim National Constitution established this body and defined certain responsibilities, but is silent on many details. The Council of States has 50 members, two from each of the 25 states. There are also two non-voting representatives from Abyei that have yet to be appointed. End Summary.

Some CoS Roles Clear

¶2. The Interim National Constitution lays out certain responsibilities for the CoS. It states that laws can be passed by either the National Assembly (NA) or the CoS independently. The NA is responsible for the national budget and most legislation; however, if the Assembly rejects or fails to act on any legislation presented by the Presidency, that legislation is automatically forwarded to the CoS. The CoS can then override the Assembly with a 2/3 vote and pass the law.

¶3. The CoS must also review any law covering a religion or customary practice. If the majority in any individual state does not practice the religion or custom in the law, the Council must confirm that law by 2/3 vote, or it will no longer apply to that state. This includes any laws in effect before the Comprehensive Peace Agreement (CPA).

¶4. Other responsibilities include the confirmation of presidential nominations to the Constitutional Court, and the review of certain new petroleum contracts. If the National Petroleum Commission (NPC) signs a contract that the state with the oil fields opposes, the matter is sent to the CoS. The Council can then reject the contract with a 2/3 vote. This does not apply to contracts signed before the CPA.

Other Roles Have Yet To Be Defined

¶5. According to Deputy Speaker for the CoS Remy Oller Itorong (SPLM-Eastern Equatoria), there is little definition as to the division of responsibilities beyond the roles outlined above. The Interim National Constitution does say that, in general, the CoS is responsible for the "decentralized government." While Sudan once had a bicameral system with a Council of Elders, today it lacks guidelines for an exact division of labor. There are even some protocol debates because the 451-member National Assembly is being referred to as the upper house, while Oller believes that the CoS should

be the upper house. The CoS is currently housed in a building across from the NA that once served as the Assembly's guest house and break-away meeting space.

¶16. Oller is now chairing a commission that is charged with studying other bicameral legislative systems, such as those in the United States, United Kingdom, Germany, South Africa, and Nigeria, and will make recommendations as to legislative structures.

¶17. Bio data: Oller is a Latuka from Torit. He has been both a secondary school teacher and an economics instructor at the University of Juba. During the war, he was the Peace and Reconciliation Secretary for the SPLM, mainly charged with bringing the Equatorian Defense Force (EDF) into the movement. Before the most recent coup, he also served in the National Assembly with the People's Progressive Party (PPP). Oller is considered very close to Southern Sudan President Salva Kiir.

STEINFELD